

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THOMAS HAYES,

Plaintiff,

V.

INTERNATIONAL BUSINESS MACHINES,  
CORP.,

Defendant.

CIVIL ACTION  
NO. 21-11237-WGY

YOUNG, D. J.

November 9, 2021

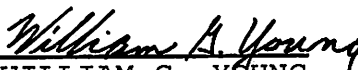
## ORDER

This matter is before the Court on International Business Machines Corporation's motion to dismiss. Def.'s Mot. Dismiss Pl.'s Compl., ECF No. 5. After counsel for Thomas Hayes ("Hayes") did not appear with notice to the clerk, the Court took the matter under advisement to be decided on the papers without oral arguments. Electronic Clerk's Notes, ECF No. 11.

The motion to dismiss is ALLOWED in part and DENIED in part as follows. The motion is allowed as to counts II, III, and IV. Regarding count II, the applicable statute of limitations has run. As to count III, Hayes has failed to exhaust his administrative remedies within the statutorily mandated time-period. Hayes fails to state a claim for which relief can be granted as to count IV.

The motion is denied as to count I only insofar as Hayes brings a promissory estoppel claim, but not otherwise as to a breach of contract claim.

SO ORDERED.

  
WILLIAM G. YOUNG  
DISTRICT JUDGE